

**DEQ Wind Energy Regulatory Advisory Panel (Wind RAP)**

December 18, 2009 Meeting

Draft Meeting Notes

**Location:** DEQ Central Office, Training Room  
629 East Main Street, Richmond, VA 23218

**Start:** 9:30 a.m.

**End:** 3:30 p.m.

**RAP Leader/Facilitator:** Carol Wampler, DEQ

**Recorder:** Karen Sabasteanski, DEQ

**RAP Members Present:**

Larry Jackson, APCO

Emil Avram, Dominion (alternate)

Ray Fernald, VDGIF

David Phemister, TNC (alternate)

Ken Jurman, DMME

**Public Attendees:**

Rick Reynolds, VDGIF

Jerod Markley, USN

**Agenda Item: Consolidated Discussion Draft of Regulation 11/5/09**

**With Sections 5.C ff Updated 11/13/09 from LR 10/28 Mtg**

**Discussion Leader:** Carol Wampler

**Discussion:** The group discussed the draft regulation and made revisions as agreed to by group members. The revised regulation is attached; revisions and comments made at this meeting are indicated in brackets. Additionally, the following outstanding issues need to be addressed:

**Section 1:**

1. A definition of "interconnection point" must be added.
2. A definition of "phase of project" must be added.
3. The definition of "post-construction" may need to be revised in accordance with the new definition of "phase of project."
4. Areas of the regulation that reference "project boundary" must be revised to reflect the replacement of that term with the revised term "disturbance zone."

**Section 2:**

1. Significant new language regarding completeness review must be reviewed.

**Section 6:**

1. A universal search for the term "project boundaries" must be conducted and the regulation revised accordingly.

**Section 7:**

1. Need to consider language that enables the operator to implement the mitigation plan; need to determine what is enforceable and what is not.
2. Need to evaluate 7.1. to determine whether this section is needed, and whether to add language about DEQ's authority to enforce non-DEQ permits.

**Section 9:**

1. More detailed information needs to be evaluated and possibly added, either to the regulation or to guidance, regarding sections A and A.1.
2. Language as to whether and how DEQ should be notified of a meeting will be evaluated.

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Section 10:

1. This entire section is being reviewed for other suggested language revisions, consistent with standard language DEQ uses in other programs.. A possible new paragraph referencing code section 11 may be added, or may be added to section 6.
2. Subsection A, need to determine how the new owner demonstrates compliance, and whether a new process must recommence.
3. Subsection D, need to add language regarding a "cure period." Also need to consider agency reconsideration; must review other agency reopener language.
4. Subsection D 2, may be deleted altogether or revised to specify conditions needed for formal enforcement action.